



19

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:)	
Nicolaides <i>et al.</i>)	Confirmation No.: 6480
Serial No.: 09/853,646)	Group Art Unit: 1632
Filing Date: May 14, 2001)	Examiner: R. R. Shukla
For: A METHOD FOR GENERATING)	
HYPERMUTABLE ORGANISMS)	Atty. Docket No. 001107.00138

PETITION UNDER 37 C.F.R. 1.182**TO REINSTATE ORIGINAL CLAIM OF PRIORITY****OR UNDER 37 C.F.R. § 1.78****TO ACCEPT LATE CLAIM OF PRIORITY**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants petition the Commissioner under 37 C.F.R. §1.182 to reinstate an original claim of priority or under 37 C.F.R. § 1.78 to permit applicants to make a late claim of priority to provisional application S.N. 60/203,905. The Commissioner is authorized to charge the appropriate fee under 37 C.F.R. § 1.17(h) or (t) to our Deposit Account No. 19-0733.

Statement of Facts

1. Applicants filed the subject non-provisional application with a statement in the specification claiming the benefit of two provisional applications, including provisional application S.N. 60/203,905. The specification incorrectly identified

05/29/2003 AMONDAF1 00000012 190733 09853646

01 FC:1454 1300.00 CH

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS

the filing date of provisional application S.N. 60/203,905 as May 11, 2000 rather than as May 12, 2000.

2. Applicants filed in the PCT on the same date the same specification containing the same erroneous priority claim.
3. WIPO informed Applicants on June 22, 2001 that the claimed priority application was outside of the one year period for a valid priority claim.
4. Official Filing Receipts dated August 9, 2001 and December 11, 2001 each listed the claimed priority application 60/203,905 with a filing date of May 12, 2000. The Official filing Receipts indicated that these data (application number and filing date) were inconsistent with the PTO records.
5. Mistakenly believing that provisional application S.N. 60/203,905 was filed more than a year before the PCT application and the subject U.S. application, Applicants filed a Joint Declaration for Patent Application on October 26, 2001, which did not claim the benefit of provisional application S.N. 60/203,905.
6. To make the specification consistent with the Joint Declaration for Patent Application, Applicants amended the specification on June 14, 2002, deleting mention of provisional application S.N. 60/203,905.
7. Applicants subsequently discovered the error and realized that provisional application S.N. 60/203,905 was actually filed on May 12, 2000, and therefore was within the one-year time period for a valid priority claim.
8. The entire delay in making this priority claim was unintentional.
9. An amendment to make the reference required by 35 U.S.C. §120 and 37 C.F.R.

1.78(a)(2) accompanies this submission.


Action Requested

Applicants request that the claim to the benefit of provisional application S.N. 60/203,905 be reinstated or permitted at this late date.

Respectfully submitted,

Date: May 27, 2003

By:



Sarah A. Kagan
Registration No. 32,141

Banner & Witcoff, Ltd.
Customer No. 22907